

REMARKS

By way of the above amendment, Applicant has amended claim 1 to clarify that the compressed spring surrounds a portion of the needle hub as opposed to the previously stated "base of a needle hub". Entry of this amendment is respectfully requested in that it will conform the claim to the figures and specification and simplify matters for appeal.

Claims 1, 9-11, 13, 15, and 16 are rejected under 35 USC §102(b) as being anticipated by Caselli '710. Applicant respectfully submits that the reference fails to anticipate Applicant's invention as claimed. Foremost, the Caselli reference does not provide for an interchangeable needle which is an element of Applicant's claim 1. As best seen in reference to Applicant's Figure 2, a portion of the interchangeable needle is adapted to be threadedly mounted to a needle hub 2 by the threaded interactions of bevel 20 of the needle head 12 with bevel 22 of needle hub 2. The cited reference fails to teach or suggest any mated joinder between a needle head and a needle hub so as to provide for an interchangeable needle.

Further, a closer examination of the Caselli '710 (Figure 3) illustrates that removal of the needle would disrupt the integrity of the stored energy system as seen in springs 21 and 29. Removal of the needle would destroy the function of the syringe. This is all the more evident given the aseptic nature of the internal structure of a syringe. Any effort to replace the entirety of the needle 6 and surrounding syringe elements would unduly risk contamination of the syringe.

Further, to the extent the Examiner has identified a moveable base 12 within Caselli '710, the base 12 fails to meet the limitations as set forth in Applicant's Claim 1, which sets forth a moveable base and which is adapted for maintaining a needle hub. The base 12 in Caselli does not constrain a needle hub and, therefore, Caselli fails to anticipate Applicant's claimed invention.

With respect to claims 9-11, Applicant notes that claim 9 has a limitation to "a moveable base containing a hub of said first needle", such a limitation not being found within the Caselli reference. As noted by the Examiner, the moveable base 12 does not operate to contain a hub of the needle.

Claims 10 and 11 are believed to be in condition for allowance for at least the reason that they depend either directly or indirectly from Claim 9, which is believed to be in condition for allowance.

With respect to claim 13, Applicant respectfully notes that there are limitations to a “base constructed and arranged to releasably retain the needle assembly, said base and an adjacent support member being moveable within said hollow barrel. . . .” The Caselli base 12 does not retain the needle assembly, nor is there an adjacent support member being moveable within the base. Accordingly, Applicant respectfully submits that Claim 13 is not anticipated by the Caselli reference.

With respect to Claim 15, the Examiner makes no specific comments as to how the limitations in Claim 15 are met or addressed by the Caselli reference. Applicant respectfully submits that the Caselli reference fails to provide a block defined by the needle hub in which the block further engages an edge of a passageway defined by a needle assembly. Accordingly, Applicant respectfully submits that Claim 15 is not anticipated by the Caselli reference.

Claim 16 is directed to a plurality of fins 23 (as seen in an embodiment in Applicant's Figure 2) defined along an exterior of a needle head and adapted for mating with a corresponding slot by an interior of a needle guard. The Caselli '710 reference does not even disclose a needle guard, much less the specific structural embodiment set forth in Claim 16. Accordingly, it is respectfully submitted that Claim 16 is not anticipated by Caselli.

Claims 1-11, 13, 15, and 16, are rejected under 35 USC §102(b) as being anticipated by Pressly, Sr., et al '952. Applicant respectfully submits that the Pressly, Sr., et al '952 reference does not anticipate Applicant's claimed subject matter.

The Examiner's one sentence summation of the '952 syringe is correct. However, the present invention contains specific claim limitations which distinguish over the Pressly, Sr., et al reference. Applicant's independent claims 1, 9, and 13 all have limitations directed to a moveable base having an adjacent moveable support/support member in which the support member is positioned alongside an axial portion of the needle assembly containing at least a portion of the spring. As seen in the Pressly, Sr.,

et al '952 patent (Figure 1), the support members in Pressly, Sr., et al '952 are not associated with the compressed spring. Given this structural claim difference, Pressly, Sr., et al '952 does not anticipate Applicant's claimed subject matter.

Given the above structural limitations regarding the engagement of the base with the needle assembly including an associated portion of the spring, Applicant respectfully submits that dependent claims 2-8, 10-12, 15, and 16 all depend directly or indirectly from an allowable independent claim. For at least this reason, it is submitted that all pending claims are not anticipated by Pressly, Sr., et al '952.

In addition, it is noted that the claimed subject matter is directed to an interchangeable needle syringe. The Pressly, Sr., et al '952 reference does not disclose an interchangeable needle. Rather, the Pressly, Sr., et al '952 reference secures the needle within the syringe in a permanent, non-interchangeable fashion. For at least this reason, the Pressly, Sr., et al '952 reference does not anticipate Applicant's subject matter in independent claims 1, 9, and 13.

Claim 1 is rejected under 35 USC §102(b) as being anticipated by Caralt Battle '410. Applicant respectfully disagrees with the Examiner's assertion that the Caralt Battle reference discloses an interchangeable needle. Rather, the '410 reference specifically is directed to a needle 3 with needle head 5 which is stated to be "impossible to be extracted" (Col. 3, lines 45-47) during normal operation. Further, given the aseptic nature of the syringe environment, any removal of the needle would jeopardize the integrity of the associated seals and risk loss of sterile environment should an attempt be made to reinsert a needle into the flexible base. Efforts to do so would be unsuccessful since there is no way to release and restore the compressive forces provided by the spring. Accordingly, the '410 reference is clearly directed to a non-interchangeable syringe and therefore fails to anticipate Applicant's claimed subject matter.

Further, it is noted that to the extent the '410 reference provides a support member, the support member does not surround an axial portion of the needle hub and the partially compressed spring as set forth in Claim 1. For at least this reason,

Applicant respectfully submits that the cited reference fails to anticipate the claimed subject matter.

Inasmuch as all outstanding issues raised by the Examiner have been addressed, it is respectfully submitted that the present application is in condition for allowance, and action to such effect is earnestly solicited. The Examiner is encouraged to contact the undersigned upon receipt of this Amendment if additional explanation, clarification, or discussion would prove helpful.

Please charge any additional fees required by this Amendment to Deposit Account No. 50-2802.

Respectfully submitted,
ROBERTSON & MULLINAX, LLC

A handwritten signature in black ink, appearing to read "J. B. Mullinax", written in a cursive style.

J. Bennett Mullinax
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